

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

PEOPLE V. ELLIOTT (MICHAEL)

S057063 (Sacramento County Superior Court – 94F04986)
Argued in San Francisco 9-13-05

This matter is an automatic appeal from a judgment of death.

PEOPLE V. MURPHY (MILDRED)

S125572 (D040040, San Diego County Superior Court – SCE217093)
Argued in San Francisco 9-13-05

This case presents the following issues: (1) Did exigent circumstances excuse police officers' failure to comply with the knock-notice rule before entering defendant's house to conduct a warrantless search for drugs pursuant to his condition of probation, where the officers had observed drug transactions at the house shortly before the entry and, seconds before entering, had detained an individual outside the house while loudly announcing their presence and purpose? (See *United States v. Banks* (2003) 540 U.S. 31.) (2) Can a violation of the knock-notice rule during a warrantless search of a house pursuant to a defendant's condition of probation be excused by the doctrine of inevitable discovery?

Opinion(s) in the above case(s) will be filed on:

Monday, November 28, 2005 at 10:00 a.m.